

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

| | | |
|---------------------------|---|-----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Criminal Action No. |
| |) | 05-06030-01-CR-SJ-GAF |
| MARK DAVIDSON, |) | |
| |) | |
| Defendant. |) | |

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on April 12, 2006. Defendant Mark Davidson appeared in person and with appointed counsel Bruce Houdek. The United States of America appeared by Assistant United States Attorneys Joseph Vanover and Paul Becker.

I. BACKGROUND

On September 30, 2005, an indictment was returned charging defendant with one count of possession of a firearm after having been convicted of a felony, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2)..

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Vanover announced that he will be the trial counsel for the government. He will be assisted by Assistant United States Attorney Paul Becker. The case agent to be seated at counsel table is K. C. Ballantine, Maryville Police Department.

Mr. Houdek announced that he will be the trial counsel for defendant Mark Davidson.

III. OUTSTANDING MOTIONS

There is currently pending a motion to suppress evidence filed by defendant on March 3, 2006 (document number 32). The Report and Recommendation was filed on April 5, 2006 (document number 44).

IV. TRIAL WITNESSES

Mr. Vanover announced that the government intends to call 13 witnesses without stipulations or 12 witnesses with stipulations during the trial.

Mr. Houdek announced that defendant Mark Davidson intends to call 3 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Vanover announced that the government will offer approximately 40 exhibits in evidence during the trial.

Mr. Houdek announced that defendant Mark Davidson will offer no exhibits in evidence during the trial.

VI. DEFENSES

Mr. Houdek announced that defendant Mark Davidson will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Houdek stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to prior felony conviction, interstate nexus of the gun, and public records stipulations.

IX. TRIAL TIME

Counsel were in agreement that this case will take 2 1/2 to 3 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed November 29, 2005, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by April 12, 2006;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, April 19, 2006;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, April 19, 2006. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, 11.0, or 12.0.

XI. UNUSUAL QUESTIONS OF LAW

Motions in limine on the following issues will probably be filed: Federal Rule of Evidence 609 evidence dealing with prior convictions. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on April 24, 2006.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
April 12, 2006

cc: The Honorable Gary Fenner
Mr. Joseph Vanover
Mr. Paul Becker
Mr. Bruce Houdek
Mr. Jeff Burkholder